



# California Regulatory Notice Register

REGISTER 2011, NO. 22-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 3, 2011

## PROPOSED ACTION ON REGULATIONS

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict of Interest Code — Notice File No. Z2011-0524-02* ..... 907

STATE: California Blueberry Commission

Milton Marks Little Hoover Commission on California State Government

Organization and Economy

### TITLE 2. STATE AND CONSUMER SERVICES AGENCY

*Conflict of Interest Code — Notice File No. Z2011-0524-01* ..... 908

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Apples—Granny Smith Maturity — Notice File No. Z2011-0523-02* ..... 908

### TITLE 4. CALIFORNIA HORSE RACING BOARD

*Penalties for Medication Violations — Notice File No. Z2011-0524-06* ..... 911

### TITLE 4. CALIFORNIA HORSE RACING BOARD

*Postmortem Examination — Notice File No. Z2011-0524-07* ..... 914

### TITLE 4. CALIFORNIA HORSE RACING BOARD

*Vesting of Title to Claimed Horse — Notice File No. Z2011-0524-05* ..... 916

### TITLE 16. BOARD OF ACCOUNTANCY

*Supervision, Master's Degree to Disciplinary Guidelines — Notice File No. Z2011-0524-03* ..... 918

### TITLE 16. BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

*Unlicensed Activity Citation Authority — Notice File No. Z2011-0523-01* ..... 920

### TITLE 17. AIR RESOURCES BOARD

*Vapor Recovery Equipment Defects List — Notice File No. Z2011-0524-10* ..... 923

(Continued on next page)

***Time-  
Dated  
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
*California Employer Identification Report — List of Prospective Contractors Ineligible to Enter Into State Contracts* . . . . . 925

DEPARTMENT OF FISH AND GAME  
*CESA Consistency Determination Request for Yurok Tribe Habitat Conservation Plan Project, Humboldt County (2080–2011–013–01)* . . . . . 926

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
*Notice of Public/Business Meeting* . . . . . 926

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
*Release of Final Interpretive Guideline No. 2011–001* . . . . . 927

DECISION NOT TO PROCEED

BOARD OF CHIROPRACTIC EXAMINERS  
*Omnibus Consumer Protection Regulations* . . . . . 927

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

DEPARTMENT OF MANAGED HEALTH CARE  
*Notice of Availability of Index of Precedential Decisions* . . . . . 927

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State . . . . . 928

Sections Filed, December 29, 2010 to May 25, 2011 . . . . . 930

---

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON  
REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

**CONFLICT OF INTEREST CODE**

**ADOPTION**

STATE: California Blueberry Commission

**AMENDMENT**

STATE: Milton Marks Little Hoover Commission  
on California State  
Government Organization and Economy

A written comment period has been established commencing on **June 3, 2011** and closing on **July 18, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 18, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS  
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT OF  
INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. STATE AND CONSUMER  
SERVICES AGENCY**

**NOTICE OF INTENTION TO AMEND  
THE CONFLICT-OF-INTEREST CODE OF THE  
STATE AND CONSUMER SERVICES AGENCY**

NOTICE IS HEREBY GIVEN that the State and Consumer Services Agency, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The State and Consumer Services Agency proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment to the agency's code will result in renaming positions and changing the disclosure category for two positions and make other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 18, 2011, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than July 3, 2011 by contacting the Contact Person set forth below.

The State and Consumer Services Agency has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the rea-

sons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The State and Consumer Services Agency has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the State and Consumer Services Agency must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Janet Nannini  
915 Capitol Mall, Suite 200  
Sacramento, CA 95814  
916-657-2539  
Janet.nannini@scsa.ca.gov

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

**DIVISION 3. ECONOMICS  
CHAPTER 1. FRUIT AND VEGETABLE  
STANDARDIZATION  
SUBCHAPTER 4. FRESH FRUITS, NUTS  
AND VEGETABLES  
ARTICLE 7. APPLES**

(Notice published June 3, 2011)

**NOTICE OF PROPOSED RULEMAKING**

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to repeal Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the California Code

of Regulations (CCR) after considering all comments, objections, and recommendations regarding this proposed action.

### PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 445-2427 or by e-mail to [spatton@cdfa.ca.gov](mailto:spatton@cdfa.ca.gov). The written comment period closes at **5:00 p.m. on July 18, 2011**. The Department will consider only comments received at the Department by that time. Submit comments to:

Steve Patton, Compliance Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 445-2180; Fax: (916) 445-2427

### AUTHORITY AND REFERENCE

Sections 14, 407, 42681, and 42684 of the Food and Agricultural Code authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 42681, 42684, and 42941 of the Food and Agricultural Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action repeals Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR, which currently establishes maturity, sampling, and testing procedures for Granny Smith Apples.

Section 14 of the Food and Agricultural Code authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in the Food and Agricultural Code grants the California Department of Food and

Agriculture Secretary the authority to amend or repeal rules and regulations.

Section 407 of the Food and Agricultural Code authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code which the Secretary is directed or authorized to administer or enforce.

Section 42681 of the Food and Agricultural Code specifies, in part, that the Secretary of the Department may prescribe methods of selecting samples of lots or containers of fruits, nuts, and vegetables on a basis of size or other specific classification, which are reasonably calculated to produce by such sampling fair representations of the entire lots or containers which are sampled.

Section 42684 of the Food and Agricultural Code declares, in part, that the establishment and maintenance of minimum standards of quality and maturity for fruits, nuts, and vegetables is essential to ensure that products of acceptable and marketable quality will be available to the consumer. This section also provides that any quality and maturity standards adopted by the Secretary of the Department shall apply to the particular fruit, nut, or vegetable involved regardless of whether the item was produced in this state or outside of this state.

Section 42941 of the Food and Agricultural Code establishes that it is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any fruits, nuts, or vegetables in bulk, or in any container or subcontainer, unless such fruits, nuts, and vegetables, and their containers, conform to specified provisions or the regulations promulgated thereunder.

This proposed regulatory action would repeal the starch-iodine standard for Granny Smith Apples. The purpose of this proposed rulemaking is to grant consumers and producers the opportunity to respectively purchase and market Granny Smith Apples that may not adhere to the standards established by the Granny Smith Apple Starch Scale.

### DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.



Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

### EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed changes to the regulations would result in no added costs to small businesses affected by these proposed changes. This proposed regulatory action would repeal current starch-iodine standards, which would allow consumer preference to dictate the market. In addition, this proposed regulatory action was initiated at the request of the impacted industry.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has been otherwise identified and brought to the attention of the Department would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steve Patton, Compliance Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 445-2180; Fax: (916) 445-2427

The backup contact person for these inquiries is:

Brian Cote, Special Investigator  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 445-2180; Fax: (916) 445-2427

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Brian Cote at the above address.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at 560 J Street, Suite 220, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice; the proposed text of the regulations; the initial statement of reasons; a petition received from Mr. Alexander J. Ott, Executive Director, California Apple Commission, dated March 15, 2011, requesting the repeal of Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR; and, the California Apple Commission Consumer Taste Test Panel for Granny Smith Apples dated November 1, 2010, compiled and published by Fruit Dynamics, Inc. Copies may be obtained by contacting Brian Cote at the address or phone number listed above.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Brian Cote at the address provided on the previous page. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Brian Cote at the address provided on the previous page.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at: <http://www.cdfa.ca.gov/is/Regulations.html>.

**TITLE 4. CALIFORNIA HORSE  
RACING BOARD**

TITLE 4, DIVISION 4, CALIFORNIA CODE  
OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND  
RULE 1843.3. PENALTIES FOR  
MEDICATION VIOLATIONS

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1843.3, Penalties for Medication Violations, to change the minimum allowable level for flunixin from 50 nanograms per milliliter of blood plasma or serum to 20 nanograms per milliliter of blood plasma or serum. In addition, the proposed amendment would provide for a penalty schedule for low level violations involving phenylbutazone by creating new Category "D" penalties for the drug substance, while the existing Category "C" penalties remain unchanged. The proposed amendment adds new Category "D" penalties for drugs other than phenylbutazone.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 21, 2011**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 18, 2011**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6042  
E-Mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19461 and 19580, Business and Professions Code. Reference: 19461, 19580, 19581 and 19582, Business and Professions Code, and section 11425.50, Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19461 states every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19580 provides the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Those policies, guidelines and penalties shall include, at a minimum, the provisions set forth in this article. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and the composition thereof. Business and Professions Code section 19582 states violations of Section 19581, as determined by the Board are punishable as set

forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime. The Board may provide for the suspension of a license for not more than three years, except as provided in subdivision (b), or a monetary penalty of not more than one hundred thousand dollars, or both, and disqualification from purses, for a violation of Section 19581. The actual amount of the monetary penalty imposed pursuant to this paragraph shall be determined only after due consideration has been given to all the facts, circumstances, acts, and intent of the licensee, and shall not be solely based on the trainer-insurer rule, as established in Section 1843 and 1887 of Title 4 of the California Code of Regulations. The punishment for second and subsequent violations of section 19581 shall be greater than the punishment for a first violation of section 19581 with respect to each class of prohibited drug substances, unless the administrative law judge, in findings of fact and conclusions of law filed with the Board, concludes that a deviation from this general rule is justified. A third violation of section 19581 during the lifetime of the licensee, determined by the Board to be at a class I or class II level, may result in the permanent revocation of the person's license. The administrative law judge shall, after consideration of the circumstances surrounding a violation specified in paragraph (1), file a decision with the Board that includes findings of fact and conclusions of law. Any person whose license is suspended or revoked pursuant to this section shall not be entitled to receive any material benefit or remuneration in any capacity or from any business activity permitted or allowed by the license during any period of its suspension or revocation. The penalties provided by this section are in addition to any other civil, criminal, and administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other penalties or sanctions. Business and Professions Code section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. All proceedings to revoke a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. Government Code section 11425.50 states the decision shall be in writing and shall include a statement of the factual and legal basis for the decision.

In February 2011 the Board initiated an amendment of Rule 1844, Authorized Medication, to lower the allowable level of phenylbutazone from five nanograms

per milliliter of blood plasma or serum to two nanograms per milliliter of blood plasma or serum, and to reduce the permitted level of flunixin in an official test sample from 50 nanograms per milliliter of blood plasma or serum to 20 nanograms per milliliter of blood plasma or serum. During its discussions about the proposed amendment to Rule 1844, the Board recognized the necessity of amending Rule 1843.3, Penalties for Medication Violations, to provide penalties consistent with the lower phenylbutazone and flunixin levels. The proposed amendment to Rule 1843.3 modifies subsection 1843.3(d) by changing the minimum allowable level for flunixin, which is a Category "C" penalty, from 50 nanograms per milliliter of blood plasma or serum to 20 nanograms per milliliter of blood plasma or serum. This is consistent with the minimum allowable level in the proposed amendment of Rule 1844. The Category "C" penalties for violations due to flunixin overages have not been changed.

Under the current subsection 1843.3(d) phenylbutazone violations warrant a Category "C" penalty. However, the proposed amendment to Rule 1843.3 modifies subsection 1843.3(e) to provide for new Category "D" penalties for low level violations involving phenylbutazone. The new Category "D" penalties address overages of 2.1 milliliters to 5.0 milliliters of phenylbutazone in the official test sample, while the existing Category "C" penalties at the higher levels of 5.1 to greater than 10.0 micrograms of phenylbutazone per milliliter of blood plasma or serum have not changed. This will create a "two tier" penalty schedule for phenylbutazone violations with overages up to 5.0 milliliters receiving anywhere from a written warning to a \$250 fine for first offenses, to a minimum \$500 fine and a maximum \$750 fine for third offenses.

In addition to the new subsection 1843.3(e) Category "D" penalties for low level phenylbutazone violations, the proposed amendment introduces Category "D" penalties for drug substances in an official test sample which the CHRB categorizes as warranting a Category "D" penalty. Subsection 1843.3(e) currently states a Category "D" penalty is a written warning to the licensed trainer or owner. The proposed amendment creates new Category "D" penalties for drugs other than phenylbutazone. The penalties range from a written warning to a maximum fine of \$250 for a first offense, and a minimum fine of \$500 and a maximum fine of \$750 for a third offense. In addition, the proposed amendment provides that Category "D" violations will remain on the licensee's record for a period of two years. If, after two years, the licensee has not had additional Category "D" violations of Rule 1843, the record will be expunged for penalty purposes.



## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1843.3 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1843.3 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1843.3 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

## CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified

text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden,  
Regulation Analyst  
Telephone: (916) 263-6033

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

## AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

## AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulations in their current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process

at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 4. CALIFORNIA HORSE RACING BOARD

### TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS NOTICE OF PROPOSAL TO AMEND RULE 1846.5. POSTMORTEM EXAMINATION

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1846.5, Postmortem Examination. The proposed regulation would require the owner's or trainer's veterinarian to provide the California Horse Racing Board (CHRB) official veterinarian with the preceding six months of veterinary records that pertain to the horse submitted for a postmortem examination. The records must be submitted within 48 hours of the submission of the Necropsy Submission Form CHRB-72 (Rev. 06/04).

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 21, 2011**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 18 2011**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6022  
E-Mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Section 19440, Business and Professions Code. Reference: Section 4857 and 19444(c), Business and Professions Code.

Business and Professions Code section 19440 authorizes the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 4857 and 19444(c), Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 4857 provides that a veterinarian licensed under the provisions of this chapter shall not disclose any information concerning an animal receiving veterinary services, the client responsible for the animal receiving veterinary services, or the veterinary care provided to an animal except as may be required to ensure compliance with any federal, state, county, or city law or regulation. Business and Professions Code section 19444(c) states in performing its responsibilities pursuant to this chapter, the Board may conduct research to determine more fully the cause and prevention of horse racing accidents, the effects of drug substances on the race horses, and the means for detection of foreign drug substances.

Board Rule 1846.5, Postmortem Examination, requires that every horse which suffers a fatal injury on the racetrack, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination. The regulation is silent on whether a copy of the horse's veterinary records may be required by the Board. However, such records may provide valuable information and insight in conjunction with the postmortem examination. The Board proposes to amend Rule 1846.5 to add a new subsection 1846.5(e)(1), which would require the owner's or trainer's veterinarian to provide the CHRB official veter-

inarian with the veterinary medical history for the preceding six months of any horse which suffers a fatal injury on the racetrack, or which dies or is euthanized on the grounds of a facility under the jurisdiction of the Board. The documents, which must be delivered to the CHRB official veterinarian within 48 hours of submitting the CHRB-72, Necropsy Submission Form, will assist in understanding some of the factors that led to the horse's demise, and allow for the correlation of post-mortem data with medical records to look for causal relationships. Under the proposed amendment the documents would be considered confidential and their contents would not be disclosed except in a proceeding before the stewards or the Board in exercise of the Board's jurisdiction, or except in the analysis of injuries or illness causing fatalities, as approved by the Executive Director of the Equine Medical Director, as specified under a new subsection 1846.5(e)(2).

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1846.5 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1846.5 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1846.5 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033  
E-mail: [andreaog@chrb.ca.gov](mailto:andreaog@chrb.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in

this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### **BOARD WEB ACCESS**

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

### **TITLE 4. CALIFORNIA HORSE RACING BOARD**

#### **TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS NOTICE OF PROPOSAL TO AMEND RULE 1658, VESTING OF TITLE TO CLAIMED HORSE**

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### **PROPOSED REGULATORY ACTION**

The Board proposes to amend Rule 1658, Vesting of Title to Claimed Horse. The proposed regulation would require the stewards to void a claim if the horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled.

#### **PUBLIC HEARING**

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 21, 2011**, or as soon after that as

business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### **WRITTEN COMMENT PERIOD**

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 18, 2011**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6022  
E-Mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

#### **AUTHORITY AND REFERENCE**

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19562, Business and Professions Code.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent



with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State.

The Board proposes to amend Rule 1658 to provide that a claim will be voided by the stewards if the claimed horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled. Subsection 1658(a) has been modified to delete the phrase "alive or dead" from the first sentence of the paragraph. This is necessary because title to the claimed horse will no longer be vested in the successful claimant if the horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled. A new subsection 1658(b) has been added to the rule to provide that the stewards shall void the claim if the horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled. The claim would automatically be voided, so the claimant would not have to take any action if the horse suffers a fatality, as specified.

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1658 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1658 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1658 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033  
E-mail: [andreaog@chrb.ca.gov](mailto:andreaog@chrb.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in

this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### **BOARD WEB ACCESS**

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

### **TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY**

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Pasadena Hilton, 168 South Robles Avenue, Pasadena, CA 91101, at 2:00 p.m. on July 21, 2011. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office not later than 5:00 p.m. on July 18, 2011 or must be received by the California Board of Accountancy at the hearing. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those per-

sons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010, 5018, 5092, 5093 and 5116 of the Business and Professions Code and Section 11400.20 of the Government Code; and to implement, interpret or make specific Sections 5018, 5023, 5092, 5093, 5095, 5100 and 5116–5116.6 of the Business and Professions Code and Section 11425.50(e) of the Government Code; the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law, Business and Professions Code Section 5094.6(c), requires that, no later than January 1, 2012, the Board adopt, by regulation, guidelines for accounting study to be included as part of the education required for licensure as a certified public accountant. In adopting such regulations, the Board is required to consider the views of the Board's Accounting Education Advisory Committee.

Existing law, Sections 5092(d) and 5093(d) of the Business and Professions Code, requires applicants for licensure to have one or two years of verified, supervised experience.

Existing law, California Government Code Section 11425.50(e), specifies that a penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application or other rule unless it has been adopted as a regulation. Section 98 of Title 16 of the California Code of Regulations incorporates by reference the California Board of Accountancy's "A Manual of Disciplinary Guidelines and Model Disciplinary Orders". Section 5116 of the Business and Professions Code requires the Board to establish criteria for assessing administrative penalties. In addition, Section 5100 allows the Board the authority to discipline a license.

#### **1. Repeal Section 9 Title 16 of the California Code of Regulations.**

This proposal would delete an outdated section of the Board's regulations. This section became outdated when it became inoperative by its own terms on January 1, 2010.

#### **2. Repeal Section 11.5 Title 16 of the California Code of Regulations.**

This proposal would delete an outdated section of the Board's regulations. This section became outdated when it became inoperative by its own terms on January 1, 2010.

### 3. Add Section 11.5 Title 16 of the California Code of Regulations.

This proposal would specify that a Master's Degree in Accounting, Taxation, or Laws in Taxation would be equivalent to completing the 20 semester hours of accounting education required by Section 5094(b) of the Business and Professions Code.

In addition, this proposal would incorporate the definition of "satisfactory evidence" that was in Section 9 that became inoperative on January 1, 2010 and is being repealed by this proposal, and is currently also in Section 9.2.

### 4. Amend Sections 12 and 12.5 Title 16 of the California Code of Regulations.

This proposal would define supervised experience to mean that a supervisor must review and evaluate an applicant's work on a routine and recurring basis and shall have authority or oversight over the applicant. It clarifies that experience may be acquired in a public accounting firm, a private industry company, or governmental agency. It also clarifies that if the supervisor is the owner of the firm or company, a second verifying signature is not required.

The proposal for Section 12 incorporates Form 11A-29 (5/11) and Form 11A-29A (5/11) by reference. And the proposal for Section 12.5 incorporates Form 11A-6A (5/11) and Form 11 A-6 (5/11) by reference. These are forms on which applicants' supervisors are to submit experience verification. It also provides another means for the Board to approve the experience for applicants who may not be able to obtain experience verification.

This proposal also makes other conforming changes.

### 5. Amend Section 98 Title 16 of the California Code of Regulations.

This proposal updates the Board's Disciplinary Guidelines to incorporate by reference the 7<sup>th</sup> edition (2011) of the guidelines.

## FISCAL IMPACT ESTIMATES

#### Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

There would be insignificant and absorbable costs to the Board to print and disseminate the Forms and Disciplinary Guidelines. The cost is kept low as the predominant form of dissemination for these would be via the Board's Web site.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

#### Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

## AND

The following studies/relevant data were relied upon in making the above determination: The Board does not believe that this regulatory proposal will have a significant adverse economic impact on businesses as it only affects individuals and those businesses that are disciplined for violations of the Accountancy Act. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

#### Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are insignificant.

Effect on Housing Costs: None.

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses.

## CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, including Form 11A-29 (5/11), Form 11A-29A (5/11), Form 11A-6A (5/11), Form 11A-6 (5/11), and A Manual of Disciplinary Guidelines and Model Disciplinary Orders (7<sup>th</sup> edition, 2011), which are incorporated by reference in this rulemaking, are available on the Board's Internet Web site at [http://www.dca.ca.gov/cba/laws\\_and\\_rules/pubpart.shtml](http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml) and may also be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named in the following section.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named in the following section or by accessing the Web site listed in the following section.

**CONTACT PERSON**

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Matthew Stanley  
Address: California Board of  
Accountancy  
2000 Evergreen Street,  
Suite 250  
Sacramento, CA 95815  
Telephone No.: 916-561-1792  
Fax No.: 916-263-3678  
E-Mail Address: [mstanley@cba.ca.gov](mailto:mstanley@cba.ca.gov)

The backup contact person is:

Name: Dan Rich  
Address: California Board of  
Accountancy  
2000 Evergreen Street,  
Suite 250  
Sacramento, CA 95815  
Telephone No.: 916-561-1713  
Fax No.: 916-263-3678  
E-Mail Address: [drich@cba.ca.gov](mailto:drich@cba.ca.gov)

Web site Access: Materials regarding this proposal can be found at [http://www.dca.ca.gov/cba/laws\\_and\\_rules/pubpart.shtml](http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml).

**TITLE 16. BUREAU OF SECURITY  
AND INVESTIGATIVE SERVICES**

**DEPARTMENT OF CONSUMER AFFAIRS**

**NOTICE IS HEREBY GIVEN** that the Bureau of Security and Investigative Services (hereinafter referred to as "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Place: Department of Consumer Affairs  
1625 N. Market Boulevard, Hearing Room,  
First Floor  
Sacramento, CA 95834**

**Date: July 21, 2011, 9:30 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by this office no later than 5:00 p.m. on July 21, 2011.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:**

Pursuant to the authority vested by Sections 125.9, 148, 149, 6980.7, 7515, and 7581 of the Business and Professions (B&P) Code, and to implement, interpret,



or make specific Sections 6980, 6980.7, 6980.10(a), 7500.1, 7512.4, 7515, 7520, 7580.4, 7581, 7582, and 7590.1 of the B&P Code, the Bureau is considering changes to Division 7 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose for the adoption and amendments of these regulations is to provide the Bureau with the ability to issue citations for unlicensed activity and establish fine amounts for such citations. These regulations will also permit the Bureau to issue citations/fines to persons advertising in any written, printed, or verbal communication for the purpose of soliciting business without a license.

Currently the Bureau investigates unlicensed complaints, and then either closes with an educational letter or forwards its findings to the local District Attorney's office for prosecution. The Bureau does not have enforcement authority over unlicensed activity. These proposed regulations will allow the Bureau to utilize the cite and fine program as a mechanism to enforce the law, protect consumers and obtain compliance for unlicensed activity or deter unlicensed activity.

B&P Code Section 125.9 authorizes the Bureau to adopt, amend, or repeal regulations necessary for Bureau staff to issue administrative citations, which may contain an order of abatement or an order to pay an administrative fine. B&P Code Section 148 authorizes the Bureau to issue an administrative citation to an unlicensed person and B&P Code Section 149 will permit the Bureau to issue citations and fines to those persons/entities who advertise in a telephone directory with respect to the offering or performance of services, without being properly licensed.

The Bureau is proposing to make the following changes:

1. Amend Section 600.1 to clearly define the word "Unlicensed" in section 600.1(f) and "Advertisement" in section 600.1(g). The proposed amendments will also further define each Chapter referenced in this regulation section and remove Chapter 8 (Collection Agencies) since Chapter 8 is no longer under the jurisdiction of the Bureau.
2. Adopt Sections 601.6, 601.7, 601.8, 601.9, and 601.10. The adoption of these regulations will make specific the following:

Section 601.6 of Title 16 of the California Code of Regulations establishes the authority for the Bureau to issue administrative citations for unlicensed activity

and fine amounts of such citations. This section also establishes the authority to issue citations and fines to those persons who advertise in any written, printed, or verbal method for the purpose of soliciting business without a license.

Section 601.7 of Title 16 of the California Code of Regulations specifies the factors the Chief of the Bureau shall consider in assessing the amount of an administrative fine.

Section 601.8 of Title 16 of the California Code of Regulations specifies the format of a citation and the process for issuing a citation.

Section 601.9 of Title 16 of the California Code of Regulations establishes the timeframes for complying with an order of abatement and specifies the consequences of failing to honor those timeframes.

Section 601.10 of Title 16 of the California Code of Regulations establishes the process for contesting a citation and establishes that a person issued a citation who has had the citation modified in an informal conference cannot request another informal conference to contest the same citation.

#### FISCAL IMPACT ESTIMATES

##### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The Bureau is responsible for regulating the owners/qualified managers/employees of burglar alarm companies, locksmith companies, private investigators, proprietary private security officers, private patrol operator companies, baton/firearm training facilities, and repossession (repo) companies.

Currently the Bureau does not have the ability to issue administrative citations for unlicensed activity, establish fine amounts or collect for such unlicensed citations. This proposal would enable the Bureau to issue administrative citations and assess a fine up to maximum of \$5,000 per citation for unlicensed activity, depending on the severity of the violation.

With 11 staff in enforcement, the Bureau has three (3) analysts in its Unlicensed Activity Action Unit that are specifically dedicated to working unlicensed complaints and seeking to bring businesses into compliance. This proposal anticipates a minimal increase to the present workload by providing staff the ability to issue administrative fines and avoid having to utilize local law enforcement to issue a misdemeanor per B&P Code § 16240. The Bureau estimates that the minimal increase in workload would be minor and absorbable.

**Nondiscretionary Costs/Savings to Local Agencies:** NONE.

**Local Mandate:** NONE.

**Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:** NONE.

**Business Impact:**

The Bureau has determined that the proposed regulatory action will have minimal statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states.

**Impact on Jobs/New Businesses:**

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. Any job elimination would be predicated on an individual/company going out of business because of noncompliance with the law (doing business without a license).

**Cost Impact on Private Persons or Entities:**

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Housing Costs:** NONE.

EFFECT ON SMALL BUSINESS

Currently, the Bureau licenses approximately 5,405 locksmiths (including their employees), of which 4,324 are considered small businesses; 242,576 private patrol operators (including their employees), of which 2,426 are considered small businesses; and 9,898 private investigators, of which 4,949 are considered small businesses that could be impacted, including the remaining regular businesses, if they were to be found operating without a license. The Bureau, at this time, does not collect statistics on small businesses, including such information related to unlicensed activity.

CONSIDERATION OF ALTERNATIVES

The alternative would be not to adopt the regulation and continue without the ability to issue an administrative citation/fine for unlicensed persons. This would prevent the Bureau from obtaining a process to deter unlicensed activity and ensuring public safety. The Bureau's top priority is to protect the consumer and create a more effective deterrent to the unlicensed practitioners. This proposal will ensure that all unlicensed persons are held to similar standards and requirements as current licensees.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS  
AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Security and Investigative Services at 2420 Del Paso Road, Suite 270, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below or by accessing the website listed below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Noreene DeKoning, AGPA  
Address: 2420 Del Paso Road, Suite 270  
Sacramento, CA 95834  
Telephone No.: (916) 575–7054  
Fax No.: (916) 575–7287  
E-Mail Address: [noreene.dekoning@dca.ca.gov](mailto:noreene.dekoning@dca.ca.gov)

The backup contact person is:

Name: Mary Helot, AGPA  
Address: 2420 Del Paso Road, Suite 270  
Sacramento, CA 95834  
Telephone No.: (916) 575–7059  
Fax No.: (916) 575–7287  
E-Mail Address: [mary.helot@dca.ca.gov](mailto:mary.helot@dca.ca.gov)

Website Access: Material regarding this proposal can be found at [www.bsis.ca.gov](http://www.bsis.ca.gov).

## TITLE 17. CALIFORNIA AIR RESOURCES BOARD

### NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED AMENDMENTS TO THE LIST OF EQUIPMENT DEFECTS THAT SUBSTANTIALLY IMPAIR THE EFFECTIVENESS OF GASOLINE VAPOR RECOVERY SYSTEMS

The Executive Officer of the Air Resources Board (ARB or Board) is proposing to amend the list of equipment defects that substantially impair the effectiveness of gasoline vapor recovery systems used in motor vehicle refueling operations. Health and Safety Code (Health & Saf. Code) section 41960.2(c) requires the Executive Officer to adopt and periodically update the list of defects, which is incorporated by reference in section 94006, title 17, California Code of Regulations (CCR), and is otherwise known as the Vapor Recovery Equipment Defects (VRED) List. Such defects are sufficiently egregious to warrant the removal of the fueling point from service until the defect is repaired.

Written comments on the proposed regulatory amendments must be received by July 21, 2011 in order to be considered by the Executive Officer. No public hearing is currently scheduled but you may by July 6, 2011, request the Executive Officer to conduct a public hearing. If a public hearing is requested by that date, it will be scheduled to be conducted by the Executive Officer or his or her delegate pursuant to the authority set forth in sections 39515 and 39516 of the Health & Saf. Code. Notice of the time, date, and place of the hearing will be provided by separate notice.

### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed amendment to California Code of Regulations, title 17 section 94006(b) and the VRED List (adopted September 23, 2002 and last amended June 17, 2008) that is incorporated by reference therein. Staff is recommending that the Executive Officer approve the proposed amendments to the VRED List as described herein.

**Background:** In accordance with section 41954 of the Health & Saf. Code, ARB certifies systems for the control of gasoline vapors resulting from motor vehicle fueling operations. The certification is accomplished by the issuance of an Executive Order (EO) identifying the

system that is certified and the conditions of certification. The sale or installation of an uncertified system is prohibited.

Section 41960.2(c) of the Health & Saf. Code requires the Executive Officer of ARB to: 1) identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants, and 2) periodically update the list to reflect changes in equipment technology or performance. The initial list of defects was developed in 1982 and was most recently updated in 2008. The current VRED List identifies each Executive Order certifying a system and lists the defects in each system that substantially impairs the effectiveness of the system.

The Executive Officer is proposing amendments to the VRED List in order to improve the effectiveness of the vapor recovery program by enhancing the ability of enforcement personnel and gasoline dispensing facility (GDF) operators to identify and repair those defects that could significantly impact the effectiveness of the vapor recovery system. Inspectors from air pollution control districts and air quality management districts periodically inspect GDFs to ensure they are in good working order. When a component on the VRED List is documented by an inspector to contain a listed defect, Health & Saf. Code section 41960.2(d) requires that the equipment be removed from service until it has been replaced, repaired, or adjusted and reinspected by air district personnel.

The proposed amendments would update the current VRED List in one of three ways: 1) inclusion of defects for equipment certified in EOs signed since the last amendment to the existing VRED List; 2) new defect verification procedures; and 3) editorial changes to remove minor inconsistencies, and improve clarity. Staff of ARB believes that amending the current VRED List will enhance the ability of anyone using it to identify, and repair or replace, those defects that could significantly affect the effectiveness of gasoline vapor recovery systems.

### AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed action, which includes a detailed explanation of the proposed amendments and a summary of the potential environmental and economic impacts of the proposal. The report is titled "Staff Report: Initial Statement of Reasons for Proposed Amendments to the List of Equipment Defects that Substantially Impair the Effectiveness of Gasoline Vapor Recovery Systems."



Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on June 1, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Inquiries concerning the substance of the proposed amendments should be directed to Ranjit Bhullar, Manager of the Vapor Recovery In-Use Program Section, at (916) 322-0223 or Melinda Weaver, Air Pollution Specialist, at (916) 322-8918.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB website for this rulemaking at [www.arb.ca.gov/regact/2011/vrdef11/vrdef11.htm](http://www.arb.ca.gov/regact/2011/vrdef11/vrdef11.htm).

#### COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on represen-

tative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This determination is based on the fact that the proposed regulatory action establishes no new requirements, but rather clarifies existing defects. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined pursuant to California Code of Regulations, title 1, section 4 that the adoption of the proposed regulatory action does affect small business. It makes compliance with existing regulations easier by clarifying the requirements.

The Executive Officer is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, since avoidance or repair of the listed defects is already required.

Before taking final action on the proposed regulatory action, the Executive Officer must determine that no reasonable alternative considered by the Executive Officer, or otherwise identified and brought to the attention of the Executive Officer would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Executive Officer has determined no effective or less burdensome reasonable alternative exists.

#### SUBMITTAL OF COMMENTS

This regulatory proceeding will be conducted through the submittal of written documents. No public hearing is currently scheduled.

Written comments on this regulatory proposal must be received **no later than 5:00 p.m., July 21, 2011**, and addressed to the following:



Postal mail: Clerk of the Board, Air  
Resources Board  
1001 I Street, Sacramento,  
California 95814

Electronic submittal: [http://www.arb.ca.gov/  
lispub/comm/bclist.php](http://www.arb.ca.gov/lispub/comm/bclist.php)

As stated above, no oral public hearing is scheduled at this time. However, an oral public hearing will be scheduled if any interested person or his or her duly authorized representative requests such a hearing no later than 15 days prior to the close of the written comment period which is July 6, 2011. The request for a hearing may be submitted in the same manner as written comments.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

#### STATUTORY AUTHORITY

This regulatory action is proposed in accordance with the authority granted to ARB and the Executive Officer in sections 39600, 39601, and 41960.2 of the Health & Saf. Code. This action is proposed to implement, interpret, and make specific sections 41954 and 41960.2 of the Health & Saf. Code.

#### REGULATORY AMENDMENT PROCEDURES

This regulatory proceeding will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the close of the comment period, the Executive Officer may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Executive Officer may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for additional written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text, if applicable, from ARB's Public

Information Office, Visitor and Environmental Services Center, 1001 I Street, First Floor, Sacramento, California 95814, (916) 322-2990.

### GENERAL PUBLIC INTEREST

#### TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621  
C & C Disposal Service  
P.O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse  
Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P.O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P.O. Box 925  
Middletown, CA 95461

## **DEPARTMENT OF FISH AND GAME**

### **Department of Fish and Game — Public Interest Notice**

For Publication May 27, 2011  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Yurok Tribe Habitat Conservation Plan Project  
Humboldt County  
2080–2011–013–01

The Department of Fish and Game (Department) received a notice on May 6, 2011 that the Yurok Tribe proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action includes the *Habitat Conservation Plan and Candidate Conservation Agreement with Assurances for the Yurok Tribe* (the YHCP).

The National Marine Fisheries Service (Service) issued a federal biological opinion (File No. 151422SWR2002AR6231)(BO) and incidental take statement (ITS) on May 30, 2007, which was also approved by the United States Fish and Wildlife Service (together, “the Services”), which considered the effects of the *Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances for the California Timberlands of Green Diamond Resource Company* (AHCP/CCAA) on the Federally and State threatened Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*). The Yurok Tribe has acquired Green Diamond Resource Company lands within the AHCP/CCAA Plan Area subject to an Assignment and Assumption Agreement among the Yurok

Tribe, Green Diamond Resource Company, and the Services, dated April 14, 2011. The YHCP is the current equivalent of the AHCP/CCAA.

Pursuant to California Fish and Game Code Section 2080.1, the Yurok Tribe is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the Yurok Tribe will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## **OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

### **NOTICE OF PUBLIC MEETING/ BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

**PUBLIC MEETING:** On **July 21, 2011**, at 10:00 a.m.  
in the Auditorium of the State  
Resources Building,  
1416 9th Street, Sacramento,  
California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

#### **BUSINESS**

**MEETING:** On **July 21, 2011**, following the  
Public Meeting,  
in the Auditorium of the State  
Resources Building,  
1416 9th Street, Sacramento,  
California 95814.

At the Business Meeting, the Board will conduct its monthly business.

### **DISABILITY ACCOMMODATION NOTICE**

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at

(916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

#### Release of Final Interpretive Guideline No. 2011-001 Hand-To-Mouth Transfer of Lead Through Exposure to Consumer Products

**June 3, 2011**

*[NOTE: Posted on the OEHHA web site on  
May 31, 2011]*

The Office of Environmental Health Hazard Assessment (OEHHA) announces the release of the Interpretive Guideline No. 2011-001: Guideline for Hand-to-Mouth Transfer of Lead through Exposure to Consumer Products. Within the context of Proposition 65<sup>1</sup>, the Interpretive Guideline<sup>2</sup> provides general scientific guidance on how to estimate lead intake from the handling of consumer products.

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified as Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> Title 27, Cal. Code of Regs., section 25203.

A copy of the Interpretive Guideline can be obtained from the OEHHA web site at <http://www.oehha.ca.gov/prop65.html> or by calling the Proposition 65 Implementation Office at (916) 445-6900.

On February 25, 2011, OEHHA released and noticed a draft of the Interpretive Guideline No. 2011-001. The February 25 notice initiated a 45-day public comment period. No public comments were received.

## DECISION NOT TO PROCEED

### BOARD OF CHIROPRACTIC EXAMINERS

#### NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

The Board of Chiropractic Examiners has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on December 31, 2010, OAL File # Z-2010-1216-01, concerning Title 16, sections 303, 304, 304.5, 308, 317.2, 317.3, 317.4, 321.1, 390.7, 390.8, and 390.9.

## AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

### DEPARTMENT OF MANAGED HEALTH CARE

#### NOTICE OF AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS OF THE DEPARTMENT OF MANAGED HEALTH CARE.

PLEASE TAKE NOTICE that the Department of Managed Health Care's precedent decision index is available for purchase or you may view it at the Department of Managed Health Care's website located at [www.dmhc.ca.gov/healthplans/gen/gen\\_precedent.aspx#cgc](http://www.dmhc.ca.gov/healthplans/gen/gen_precedent.aspx#cgc).

You may obtain a copy by either calling or writing to:

Sarah Jafarinejad  
Office of Legal Services  
Department of Managed Health Care  
980 9th St. Ste 500  
Sacramento, CA 95814  
Phone No. (916) 322-6727  
Fax No. (916) 322-3968  
Email: [pra@dmhc.ca.gov](mailto:pra@dmhc.ca.gov)

This notice is published pursuant to California Government Code section 11425.60, subdivision (c).

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0407-02

#### AIR RESOURCES BOARD

##### ATCM for Stationary Compression Ignition Engines

In 2004, the Air Resources Board (ARB) adopted the Stationary Diesel Engine ATCM. The ATCM established emission controls on stationary diesel-fueled compression ignition (diesel) engines that were greater than 50 horsepower (hp). For new emergency standby engines, the ATCM requires these engines to meet a 0.15 grams per brake horsepower (g/bhp-hr) particulate matter (PM) emission limit or the Off-Road Compression Ignition Engine Standard, whichever is more stringent. In California, the Off-Road Standards will become more stringent than the ATCM 0.15 g/bhp-hr PM emissions requirement beginning with Tier 4 engines. This will require engine manufacturers to use after-treatment technologies to meet the PM and oxides of nitrogen standards. Effective July 11, 2006 the United States Environmental Protection Agency (U.S. EPA) promulgated Standards of Performance for Stationary Compression-Ignition Internal Computation Engines (NSPS). However, the NSPS final rule does not require manufacturers of new emergency standby diesel engines to meet the Tier 4 emission standards if after-treatment controls must be installed. ARB staff is amending Title 17 of the California Code of Regulations (CCR) to closely align the regulations with the federal NSPS requirements. This will reduce the cost of complying with the ATCM while still providing health protective emission limits for new emergency standby engines.

Title 17

California Code of Regulations

AMEND: 93115.3, 93115.4, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.13

Filed 05/19/2011

Effective 05/19/2011

Agency Contact: Amy Whiting (916) 322-6533

File# 2011-0415-01

#### BOARD OF BEHAVIORAL SCIENCES

##### Licensed Professional Clinical Counselors & LEP Continuing Education

The Board of Behavioral Sciences (BBS) submitted this action to add regulations governing licensure for Licensed Professional Clinical Counselors (LPCC). This implements SB 788 (Stats. 2009, ch. 619). Existing BBS regulations are amended to incorporate the LPCC requirements with those of existing BBS licensees, such as marriage and family therapists and licensed educational psychologists (LEPs), and to make other clarifying and technical revisions. This action also sets forth continuing education requirements for LEPs and establishes a procedure for the board to grant exceptions to those requirements. Additionally, this action changes the continuing education exception process for all licensees in order to bring regulations and the Board's forms into compliance with both the Americans with Disabilities Act and the California Fair Employment and Housing Act.

Title 16

California Code of Regulations

ADOPT: 1810.1, 1810.2, 1816.8, 1820, 1820.5, 1821, 1822 AMEND: 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1819.1, 1832, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, 1888

Filed 05/24/2011

Effective 05/24/2011

Agency Contact: Rosa Helms (916) 574-7897

File# 2011-0411-03

#### BOARD OF EDUCATION

##### Supplemental Educational Services

This regulatory action amends the Supplemental Education Services (SES) regulations and adopts new regulations to address the following issues: eligibility to provide service, information requirements for provider applications and accountability reports, tutor qualifications and supervision, termination of providers, sub-



contracting for services, enrollment, conflicts of interest, use of school facilities and distribution of information by SES providers to parents and students.

Title 5  
California Code of Regulations  
ADOPT: 13075.3, 13075.6, 13075.7, 13075.8, 13075.9 AMEND: 13075.1, 13075.2, 13075.4 (renumbered from 13075.3), 13075.5 (renumbered from 13075.4)  
Filed 05/23/2011  
Effective 06/22/2011  
Agency Contact: Cynthia Olsen (916) 319-0584

File# 2011-0406-03  
BOARD OF OPTOMETRY  
Continuing Optometric Education

This regulatory action by the Board of Optometry amends section 1536 of title 16 of the California Code of Regulations. This amendment adds new continuing optometric education opportunities, including credit for attending a Board meeting, earning certification in cardiopulmonary resuscitation (CPR), and completing course work in the ethical practice of optometry. The amendment also provides for utilization of the Association of Regulatory Boards in Optometry's Optometric Education Tracker system as proof of course attendance.

Title 16  
California Code of Regulations  
AMEND: 1536  
Filed 05/18/2011  
Effective 06/17/2011  
Agency Contact: Andrea Leiva (916) 575-7182

File# 2011-0413-01  
CALIFORNIA ARCHITECTS BOARD  
California Supplement Examination

This action removes the current specification that the California Supplemental Examination for licensure as an architect shall be oral and institutes a waiting period of 180 days for applicants who fail the exam before they may retake it.

Title 16  
California Code of Regulations  
AMEND: 124  
Filed 05/18/2011  
Effective 05/18/2011  
Agency Contact: Timothy Rodda (916) 575-7217

File# 2011-0411-04  
DEPARTMENT OF INSURANCE  
Conflict-of-Interest Code

The Department of Insurance, Conservation and Liquidation Office, is amending its conflict of interest code found at section 2698.99, title 10, California Code of Regulations. The changes were approved for filing by the Fair Political Practices Commission on March 2, 2011.

Title 10  
California Code of Regulations  
AMEND: 2698.99  
Filed 05/23/2011  
Effective 06/22/2011  
Agency Contact: Jack Hom (415) 538-4129

File# 2011-0503-05  
DEPARTMENT OF JUSTICE  
Department of Motor Vehicles bond form

The Department of Justice is amending the Traffic Violator School (TVS) Owner Surety Bond.

Title 11  
California Code of Regulations  
AMEND: Article 20, section 51.15  
Filed 05/24/2011  
Effective 05/24/2011  
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2011-0503-06  
DEPARTMENT OF JUSTICE  
Department of Motor Vehicles bond form

The Department of Justice is amending the Lessor-Retailer Surety Bond.

Title 11  
California Code of Regulations  
AMEND: Article 20, section 51.24  
Filed 05/24/2011  
Effective 05/24/2011  
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2011-0503-08  
DEPARTMENT OF JUSTICE  
Department of Motor Vehicles bond form

This is a bond surety form regarding Traffic Violator School (TVS) Owner Surety Bond (Home Study/Internet Instruction). This is submitted for printing only.

Title 11  
California Code of Regulations  
ADOPT: Article 20, section 51.27  
Filed 05/25/2011  
Effective 05/25/2011  
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2011-0408-05  
FISH AND GAME COMMISSION  
Stewarts Point State Marine Reserve

This is the certificate of compliance making permanent the prior emergency regulatory action (OAL file nos. 2011-0104-05EE, 2010-0709-02E) that established the Stewarts Point State Marine Conservation Area (SMCA). The general boundaries of the SMCA are from the mean high tide line to a line that approximates a distance of 1000 feet offshore, and from the northern boundary of the existing Stewarts Point State Marine Reserve to just below Rocky Point, approximately four miles south. All commercial take of living marine resources is prohibited. The recreational take from shore of marine aquatic plants other than sea palm, marine invertebrates, finfish by hook and line, surf smelt by beach net, and species authorized in Section 28.80 (including surf smelt) by hand-held dip net is authorized consistent with other applicable law. The SMCA leaves three miles of coastline in State Marine Reserve status, which meets the minimum science guidelines for coastal protection of nearshore habitats.

Title 14  
California Code of Regulations  
AMEND: 632  
Filed 05/19/2011  
Effective 05/19/2011  
Agency Contact:  
Sherrie Fonbuena (916) 654-9866

File# 2011-0408-02  
OCCUPATIONAL SAFETY AND HEALTH  
(CAL-OSHA) DIVISION  
Asbestos Contractors, Consultants, and Training Providers

This action amends four sections in Title 8 of the California Code of Regulations governing registration or certification of employers engaging in asbestos-related work, asbestos consultants and site surveillance technicians, asbestos-related work training providers, and asbestos cement pipe work training providers. The principal change made is the adoption of the Divisions' standard procedures for administrative hearings on denial, suspension, or revocation of such registrations or certifications and repeal of license-specific procedures made obsolete by the standard hearing procedures.

Title 8  
California Code of Regulations  
AMEND: 341.13, 341.14, 341.16, 341.17  
Filed 05/20/2011  
Effective 06/19/2011  
Agency Contact: Jeff Ferrell (916) 574-2995

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN December 29, 2010 TO  
May 25, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

05/12/11 AMEND: 1859.83  
05/04/11 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 AMEND: 1181.1, 1181.2  
04/28/11 AMEND: 18427.1  
04/28/11 AMEND: 1859.90.2  
04/27/11 AMEND: 1859.76  
04/21/11 REPEAL: 18420.5  
04/21/11 AMEND: 18465  
04/21/11 ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197  
04/11/11 AMEND: 321  
04/06/11 AMEND: 59.3  
04/05/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2  
04/01/11 AMEND: 18734  
03/30/11 AMEND: 64.5  
03/28/11 AMEND: 599.550  
03/09/11 ADOPT: 552  
03/08/11 ADOPT: 18451 REPEAL: 18451, 18452, 18453  
03/07/11 AMEND: 18404.1  
03/07/11 AMEND: 18435, 18450.4  
03/03/11 AMEND: 1897  
02/23/11 AMEND: 18734, 18751  
02/17/11 AMEND: 18116  
02/17/11 AMEND: 18239  
02/17/11 ADOPT: 18401.1, 18435.5  
02/15/11 AMEND: 599.500, 599.501  
01/28/11 ADOPT: 559  
01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4 AMEND: Heading for Subchapter 1.3 — Article 25  
01/25/11 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104  
01/13/11 AMEND: 1859.2, 1859.302, 1866, Form SAB 50-02, 50-03, 50-04, 50-06,

	50-07, 50-08, 50-09, 50-10, 61-04, 40-20, 40-21, 40-24		5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590
01/12/11	ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12) REPEAL: 172.9		
01/12/11	AMEND: 59.3 Appendix A		
01/06/11	ADOPT: 649.17.1, 649.19, 649.20 AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62		
01/06/11	AMEND: 67.3		
<b>Title 3</b>			
05/11/11	ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860		
04/20/11	AMEND: 3434		
04/14/11	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407	03/17/11	AMEND: 202, 210, 214, 246, 247, 248, 249, 252, 254, 264, 266, 267, 304, 332, 334, 335, 364, 385, 510, 533, 541, 545, 609
04/07/11	AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2, 6452.3, 6452.4, 6536, 6626	03/07/11	ADOPT: 8035.5
03/18/11	AMEND: 3434(b) and (c)	03/07/11	ADOPT: 8078.2 AMEND: 8070, 8072
03/18/11	AMEND: 3434(b)	03/03/11	REPEAL: 4002.2(a)
03/14/11	AMEND: 3408	02/16/11	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164
03/01/11	AMEND: 3558		
02/17/11	AMEND: 3437	01/24/11	ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205
02/15/11	AMEND: 3430		
02/15/11	ADOPT: 820.55 AMEND: 820, 820.3, 820.6, 820.7	01/06/11	AMEND: 8070, 8072, 8073, 8074
02/10/11	AMEND: 3601	01/06/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500,
02/10/11	AMEND: 3434(b), (c)		
02/10/11	AMEND: 3423(b)		
01/13/11	AMEND: 3425(b), (c)		
01/13/11	AMEND: 3591.20(a)		
01/13/11	AMEND: 3591.15(a), (b)		
01/11/11	AMEND: 1430.142		
01/11/11	AMEND: 3591.20(a)		
12/30/10	AMEND: 3435(b)		
12/29/10	AMEND: 3434(b) and (c)		
<b>Title 4</b>			
04/18/11	AMEND: 10302, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328		
04/01/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036		
04/01/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132,		

	5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590	04/18/11	ADOPT: 9792.5.0, 9792.5.1, 9792.5.2, 9792.5.3 AMEND: 9792.5
<b>Title 5</b>		04/18/11	AMEND: 344.30
05/23/11	ADOPT: 13075.3, 13075.6, 13075.7, 13075.8, 13075.9 AMEND: 13075.1, 13075.2, 13075.4 (renumbered from 13075.3), 13075.5 (renumbered from 13075.4)	04/13/11	AMEND: 3380
		03/28/11	AMEND: 3668(a)
05/02/11	ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846	03/17/11	AMEND: 7102, 7104, 7160, 7178
		03/17/11	AMEND: 3207
05/02/11	ADOPT: 80036.4 AMEND: 80034, 80036, 80036.1, 80036.2, 80036.3, REPEAL: 80036.5	03/07/11	AMEND: 3328
		02/01/11	AMEND: 5291
04/13/11	AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 (now 862.5), 864, 864.5, 866, 868	01/20/11	AMEND: 344.6, 344.16, 344.18
04/12/11	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240	12/29/10	AMEND: 1709
03/28/11	ADOPT: 75010, 75100, 75500 AMEND: 74120, 74130, 74160, 74170	<b>Title 10</b>	
03/24/11	ADOPT: 30001.5	05/23/11	AMEND: 2698.99
03/21/11	ADOPT: 10120 AMEND: 10070, 10071, 10075	05/16/11	AMEND: 2498.6
03/15/11	ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807	05/04/11	ADOPT: 260.004.1
03/01/11	ADOPT: 1216.1	04/25/11	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.4.5, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.122.15, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317
02/22/11	ADOPT: 42398	04/18/11	AMEND: 2188.65, 2695.180
02/22/11	AMEND: 42375	04/06/11	AMEND: 2498.4.9
01/20/11	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033	04/06/11	AMEND: 2498.4.9
01/14/11	ADOPT: 11968.5	03/22/11	AMEND: 2498.4.9
01/10/11	AMEND: 30730, 30731, 30735, 30736	03/16/11	ADOPT: 2632.13.1 AMEND: 2632.13
<b>Title 7</b>		03/16/11	AMEND: 5500, 5501, 5505, 5506, 5507
03/17/11	ADOPT: 211.5	03/03/11	ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596
03/14/11	AMEND: 217	02/10/11	ADOPT: 2593, 2593.1, 2593.2, 2593.3, 2593.4, 2593.5, 2593.6, 2593.7
02/02/11	AMEND: 215	02/02/11	AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721
<b>Title 8</b>		01/31/11	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
05/20/11	AMEND: 341.13, 341.14, 341.16, 341.17	01/24/11	AMEND: 2222.12
05/03/11	AMEND: 3657	12/31/10	ADOPT: 2582, 2582.1, 2582.2, 2582.3
05/02/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464	12/30/10	AMEND: 2614, 2614.7, 2614.13
04/26/11	AMEND: 3209		



12/29/10 ADOPT: 2188.65, 2695.180, 2695.181,  
2695.182, 2695.183 AMEND: 2190.2,  
2190.3  
12/29/10 AMEND: 2542.4

**Title 11**

05/25/11 ADOPT: Article 20, section 51.27  
05/24/11 AMEND: Article 20, section 51.15  
05/24/11 AMEND: Article 20, section 51.24  
04/19/11 AMEND: 1005, 1007, 1008  
04/19/11 AMEND: 1018  
04/13/11 AMEND: 1054  
04/11/11 ADOPT: 999.24, 999.25, 999.26, 999.27,  
999.28, 999.29 AMEND: 999.10,  
999.11, 999.14, 999.16, 999.17, 999.19,  
999.20, 999.21, 999.22  
03/30/11 AMEND: 9070, 9072, 9073, 9077  
03/16/11 AMEND: 2037  
01/31/11 ADOPT: 4075 AMEND: 4047, 4049,  
4050, 4051, 4052, 4053, 4057, 4058,  
4059, 4060, 4061, 4062, 4063, 4064,  
4065, 4066, 4067, 4068, 4070, 4071,  
4072, 4073, 4074 REPEAL: 4055  
12/30/10 AMEND: 1005, 1060  
12/29/10 AMEND: 1001, 1004, 1005, 1006, 1007,  
1008, 1009, 1052, 1053, 1055, 1056,  
1071, 1080, 1081, 1083

**Title 13**

04/01/11 AMEND: 553.70  
03/07/11 AMEND: 2477  
02/24/11 ADOPT: 551.21  
02/24/11 ADOPT: 551.19, 551.20, 551.23, 551.24,  
551.25 AMEND: 550, 551.2, 551.11,  
551.12  
02/22/11 AMEND: 551.14, 555.1, 584  
02/16/11 AMEND: 594, 595, 597 REPEAL: 593  
02/15/11 AMEND: 567, 583, 591, 593.1, 593.3  
02/15/11 AMEND: 272.00, 272.02  
01/27/11 AMEND: 2621(i), 2623  
01/19/11 AMEND: 1961  
01/18/11 ADOPT: 2711 AMEND: 2701, 2702,  
2703, 2704, 2705, 2706, 2707  
01/03/11 AMEND: 1239

**Title 13, 17**

01/20/11 AMEND: Title 13: 2451, 2452, 2453,  
2456, 2457, 2458, 2459 and Title 17:  
93116.1, 93116.2, 93116.3

**Title 14**

05/19/11 AMEND: 632  
05/12/11 ADOPT: 28301  
05/11/11 AMEND: 27.80  
05/03/11 AMEND: 790, 815.05, 816.01, 816.02,  
816.03, 816.05, 817.02, 817.03, 818.02,  
818.03, 825.05, 825.07, 826.01, 826.02,  
826.03, 826.05, 827.01, 827.02

05/02/11 AMEND: 925.7, 925.10, 926.9, 926.10,  
927.5, 928.5, 928.6, 945.4, 965.4

05/02/11 AMEND: 898.2

04/29/11 ADOPT: 1570, 1571, 1572, 1572.1,  
1572.2, 1573, 1573.1, 1573.2, 1573.3,  
1573.4, 1573.5, 1573.6, 1574, 1575,  
1575.1, 1575.2, 1575.3, 1576

04/25/11 AMEND: 1670

04/06/11 ADOPT: 749.6

04/01/11 AMEND: 27.80

03/09/11 ADOPT: 703 AMEND: 671, 671.1, 671.7

02/24/11 AMEND: 11600

02/17/11 REPEAL: 19020, 19021, 19022, 19023,  
19024, 19025

02/08/11 AMEND: 817.02

02/07/11 ADOPT: 1052.5 AMEND: 895, 916.9,  
936.9, 956.9, 1052, 1052.1, 1052.2

01/12/11 AMEND: 632

01/05/11 AMEND: 4970.00, 4970.01, 4970.05,  
4970.08, 4970.09, 4970.13

01/05/11 AMEND: 4970.00, 4970.01, 4970.05,  
4970.08, 4970.09, 4970.13

12/30/10 ADOPT: 1722.8, 1722.8.1, 1722.9,  
1773.1, 1773.2, 1773.3, 1773.4, 1773.5,  
1774.1, 1774.2, 1777, 1777.1, 1777.2,  
1777.3 AMEND: 1722, 1760, 1770,  
1773, 1774 REPEAL: 1724.2

**Title 15**

05/13/11 REPEAL: 1  
05/11/11 AMEND: 3335  
04/29/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4,  
3359.5, 3359.6, 3359.7 AMEND: 3000  
04/15/11 ADOPT: 3769, 3769.1, 3769.2, 3769.3,  
3769.4, 3769.5, 3769.6  
03/28/11 AMEND: 3269  
03/09/11 ADOPT: 3800, 3800.1, 3800.2, 3800.3  
03/03/11 ADOPT: 3520, 3521, 3521.1, 3521.2,  
3521.3, 3521.4, 3521.5, 3522, 3523,  
3525, 3526, 3527  
02/18/11 AMEND: 4710, 4711, 4712, 4713, 4714  
01/14/11 ADOPT: 4190, 4191 REPEAL: 4192.5,  
4193, 4196

**Title 16**

05/24/11 ADOPT: 1810.1, 1810.2, 1816.8, 1820,  
1820.5, 1821, 1822 AMEND: 1800,  
1802, 1803, 1804, 1805, 1805.1, 1806,  
1807, 1807.2, 1810, 1811, 1812, 1813,  
1814, 1815, 1816, 1816.1, 1816.2,  
1816.3, 1816.4, 1816.5, 1816.6, 1816.7,  
1819.1, 1832, 1833.1, 1833.2, 1850.6,  
1850.7, 1870, 1870.1, 1874, 1877, 1880,  
1881, 1886, 1886.10, 1886.20, 1886.30,  
1886.40, 1886.50, 1886.60, 1886.70,  
1886.80, 1887, 1887.1, 1887.2, 1887.3,

	1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, 1888	02/02/11	ADOPT: 95350, 95351, 95352, 95353, 95354, 95355, 95356, 95357, 95358, 95359
05/18/11	AMEND: 124	01/10/11	ADOPT: 100800
05/18/11	AMEND: 1536	01/10/11	AMEND: 100080
05/09/11	ADOPT: 360, 363.1, 370 AMEND: 355 now 371, 356 now 361, 356.5 to 362, 357 now 363, 358 now 364, 360 now 366, 355.1 now 372, 359 now 365 REPEAL: 355.2	<b>Title 18</b>	
		01/31/11	AMEND: 1506
		01/12/11	AMEND: 1584
		01/10/11	AMEND: 1533.1
		<b>Title 19</b>	
04/28/11	ADOPT: 1131, 1132	05/12/11	ADOPT: 2991, 2992, 2993, 2993.1, 2994, 2994.1, 2995, 2995.1, 2996, 2996.1, 2997, 2998, 2999
04/28/11	AMEND: 4150, 4151, 4152.1, 4153, 4154, 4155	02/18/11	ADOPT: 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 2999.1, 2999.2, 2999.3, 2999.4, 2999.5 AMEND: 2900
04/26/11	AMEND: 1306	01/12/11	ADOPT: 3.00 AMEND: 1.05, 1.07, 1.08, 1.09, 1.11, 1.12, 1.13, 2.02, 3.00 (renumbered to 3.00.1), 3.01, 3.02, 3.03, 3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22, 3.23, 3.25, 3.26, 3.28, 3.29, 3.31, 3.32, 4.3, 4.5, 204, 303, 315, 324, 325, 332, 340, 341, 571, 743, 745, 746, 747, 748, 749, 750, 753, 754, 755, 756, 760, 904, 904.7, 1173, 1174, 2060 REPEAL: 752
04/25/11	AMEND: 48.3	<b>Title 20</b>	
04/25/11	AMEND: 600.1, 601.5, 602, 602.1, 603, 605, 607.4, 608.3, 627, 634, 635, 645	05/09/11	ADOPT: 8.2 AMEND: 1.4, 1.5, 1.6, 1.8, 1.9, 1.10, 1.13, 1.15, 2.4, 2.5, 2.6, 3.1, 3.2, 4.1, 4.2, 4.3, 7.2, 8.1, 8.3, 8.4, 8.5, 8.6, 10.2, 13.7, 14.1, 14.2, 14.3, 14.5, 14.6, 16.1, 16.2, 16.6, Table of Filing Fees REPEAL: 8.5
04/15/11	ADOPT: 2007, 2010.05 AMEND: 2085.1	03/24/11	ADOPT: 2700, 2701, 2702, 2703, 2704
04/14/11	AMEND: 70	<b>Title 21</b>	
04/14/11	ADOPT: 2086, 2086.1, 2086.2, 2086.3, 2086.4, 2086.5, 2086.6, 2086.7, 2086.8, 2086.9	01/25/11	AMEND: 6680
04/12/11	AMEND: 1328	<b>Title 22</b>	
04/11/11	AMEND: 404, 424, 425, 438 REPEAL: 460	05/17/11	ADOPT: 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52600 AMEND: 52000, 52502, 52503, 52504, 52505, 52507, 52516
03/17/11	AMEND: 2260, 2266, 2282, 2282.1	05/12/11	AMEND: 1256–9, 1256–10
03/14/11	ADOPT: 4125 AMEND: 4123	04/25/11	AMEND: 2708(c)–1
03/09/11	ADOPT: 1007, 1008 AMEND: 1017.2	04/21/11	AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465–E
03/03/11	AMEND: 375	04/12/11	AMEND: 66264.90, 66264.94, 66264.97, 66264.98, 66264.99, 66264.100, 66265.90, 66265.91, 66265.97, 66265.98, 66265.99
03/03/11	AMEND: 117		
03/01/11	AMEND: 1399.157, 1399.160.3, 1399.160.6		
02/23/11	AMEND: 400, 401, 404, 463.5, 3000, 3003, 3021, 3065		
02/08/11	AMEND: 1518, 1523, 1531, 1532, 1533, 1561		
02/02/11	ADOPT: 1381.7, 1381.8, 1381.9		
02/01/11	ADOPT: 87.9, 88.2, 90		
01/31/11	AMEND: 2000, 2010, 2010.1, 2015, 2015.2, 2020, 2023, 2024 REPEAL: 2014.5, 2017, 2018		
01/27/11	AMEND: 3394.3, 3394.4, 3394.5, 3394.6, 3394.7		
01/11/11	ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6		
<b>Title 17</b>			
05/19/11	AMEND: 93115.3, 93115.4, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.13		
04/21/11	AMEND: 7583		
03/07/11	ADOPT: 100801		
02/17/11	AMEND: 52170, 52172, 52173		

03/22/11	AMEND: 66250, 66250.1, 66250.2	02/18/11	ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616
02/15/11	ADOPT: 4451 AMEND: 4400, 4401.5, 4405, 4417, 4427, 4429, 4447	02/10/11	ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324
01/10/11	AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501	01/28/11	AMEND: 3070, 4204, 4210, 4212
01/10/11	ADOPT: 52000, 52100, 52101, 52102, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52507, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600 REPEAL: 52103	01/26/11	ADOPT: 7980, 7980.1, 7980.2, 7980.3
<b>Title 23</b>		<b>Title 27</b>	
05/12/11	ADOPT: 3909.1	03/30/11	AMEND: 25805
05/06/11	ADOPT: 3939.38	03/17/11	AMEND: 25801, 25803
04/04/11	ADOPT: 3990	02/16/11	AMEND: 27001
03/17/11	ADOPT: 3949.7	01/26/11	AMEND: 25705
01/19/11	ADOPT: 3775.5, 3776, 3779.5 AMEND: 3720, 3721, 3722, 3723, 3730, 3733, 3740, 3741, 3742, 3750, 3751, 3762, 3763, 3775, 3777, 3778, 3779, 3780, 3781 (Appendices A and C) REPEAL: 3760, 3761, 3764, 3776, 3782	01/26/11	AMEND: 25705
01/18/11	ADOPT: 5000	<b>Title MPP</b>	
01/03/11	ADOPT: 3919.9	02/15/11	AMEND: 16-015, 16-120, 16-601 REPEAL: 16-315
<b>Title 25</b>		01/31/11	AMEND: 31-021
03/07/11	AMEND: 5002, 5010, 5040		